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DEC 6 1985

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Hon. Roy Johnson
Speaker Pro-Tem
House of Representatives
State Capitol
Montgomery, AL 36130

Boards of Education - Teachers
- Tenure - Compensation -
Salaries

Discussion of Teacher Tenure.

Dear Representative Johnson:

We have received and considered your recent request for an opinion regarding teacher tenure status in a particular fact situation.

In summary the facts were as follows:

A teacher began teaching in the 1979-80 school year and continued through the 1981-82 year. In the summer of 1982 she requested and was granted a one year leave of absence (1982-83) following which she returned to her teaching position.

You wish to know at what point she acquired tenure and if she now has tenure in order to ascertain what percentage salary increase would be appropriate in her case.

The Code of Alabama, 1975, § 16-24-2 sets out the requirement for acquiring tenure as follows:

Any teacher in the public schools who shall meet the following requirements shall attain continuing service status: Such teacher shall have served under contract as a teacher in the same county or city school system for three

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consecutive school years and shall
thereafter be reemployed in such county
or school system the succeeding school
year.

Under your facts, at the end of the 1981-82 school year
the teacher had been continuously employed for three
consecutive years. If, at the end of that year she was
reemployed for the fourth year, then she acquired tenure.
The requirement is that the teacher be reemployed for the
fourth year, not that they have completed teaching the fourth
year. Any leave of absence granted subsequent to acquiring
tenure would not affect tenure. Tenured teachers are entitled
to the salary increase of 15 percent.

We trust this adequately addresses your inquiry.
Please contact us if we may assist you further.

Sincerely,

CHARLES A. GRADDICK
ATTORNEY GENERAL
By-

A handwritten signature in cursive script, appearing to read "Peggy Schmitz".

PEGGY SCHMITZ
ASSISTANT ATTORNEY GENERAL

PS:fm